THE MYSORE FOREST REGULATION, 1900.

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REGULATION No. XI OF 1900.

(PASSED ON THE 16TH DAY OF NOVEMBER 1900.)

A Regulation to amend the Law relating to Forests and Forest Produce in Mysore.

Preamble. Whereas it is expedient to amend the law relating to forests and forest produce in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

CHAPTER I.—PRELIMINARY.

Title, extent, and commencement.

1. (1) This Regulation may be called The Mysore Forest Regulation, 1900.

(2) It extends to the whole of Mysore; provided that the Government may, by notification in the official Gazette, exempt any place from the operation of the whole or any part thereof, and withdraw such exemption; and

* (3) It shall come into force on such date as the Government may, by notification in the official Gazette, direct.

(4) A Notification under the proviso to sub-section (2), exempting a place from the operation of the whole or any part of this Regulation, shall not affect anything done, or any offence committed, or any fine or penalty imposed, in such place before such exemption.

Repeal of Forest Rules of 1878.

(5) On and from the date on which this Regulation comes into force, the "Rules for the administration of Forests and waste lands in the Territories of His Highness the Maharaja of Mysore," published under the Notification of the Governor General of India in Council, No. 588 F., dated the 8th June 1878, shall be repealed. But all acts done, proceedings had, appointments made, powers conferred, subsidiary rules prescribed and notifications published under the said Rules of 1878, or under any other law relating to matters for which this Regulation provides, shall, so far as they are not inconsistent with this Regulation, be deemed to have been respectively done, had, made, conferred, prescribed and published under this Regulation.

Interpretation clause.

2. In this Regulation and in all rules made thereunder, unless there be something repugnant in the subject or context,—

* The Regulation came into force on the 1st day of January 1901.
(Notification No. 7316—Legis-53, dated 24th November 1900.)

Section 2.

(1) "Forest Officer" means any person appointed by name or as holding an office, by or under the orders of the Government, to be a Conservator, Depuy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest Ranger, Forester, Forest Guard or Watcher, or to discharge any function of a Forest Officer under this Regulation or any rule thereunder: Forest Officer.

(2) "District Forest Officer" means the chief Forest Officer of a district, or of a portion of a district if in independent charge of such portion. District Forest Officer.

(3) "Tree" includes stumps, palms, bamboos, canes, and brushwood: Tree.

(4) "Timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not: Timber.

(5) "Forest produce" includes— Forest produce.

(*a*) the following, whether found in or brought from a forest or not, that is to say, timber, charcoal, caoutchouc, catechu, wood oil, resin, natural varnish, bark, lac, mahua flowers and myrabolams, and

(*b*) the following whether found in or brought from a forest, that is to say—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of such plants,

(iii) wild animals, and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface-soil, rock and minerals, including limestone, laterite, mineral oils, and all products of mines or quarries:

(6) "Forest offence" means an offence punishable under this Regulation or any rule issued thereunder: Forest offence.

(7) "Cattle" includes also elephants, camels, buffaloes, horses mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: Cattle.

(8) "River" includes also streams, canals, creeks and other channels, natural or artificial: River.

(9) "Land at the disposal of Government" means land in respect of which no person has acquired— Land at the disposal of Government.

(*a*) a permanent, heritable and transferable right of use and occupancy under any law for the time being in force; or

(*b*) any right created by grant or lease made or continued by, or on behalf of, Government:

Magistrate. (10) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by Government to try forest offences:

State Forest. (11) "State Forest" means any land settled and notified as such in accordance with the provisions of Chapter II of this Regulation:

Village Forest. (12) "Village Forest" means any land notified as such in accordance with the provisions of Chapter III of this Regulation:

District Forest. (13) "District Forest" includes all land at the disposal of Government not included within the limits of any State or Village Forest nor assigned at the survey settlement as free grazing ground or for any other public or communal purpose:

Provided that it shall be competent for Government to modify or set aside such assignment and constitute any such land a State, Village or District Forest, or devote the same to any other purpose it may deem fit.

CHAPTER II.—STATE FORESTS.

Power to constitute State Forests. **3.** Any land at the disposal of Government may be constituted a State Forest in the manner hereinafter provided.

Notification by Government. **4.** Whenever it is proposed to constitute any land a State Forest, the Government shall publish a notification in the official Gazette—

(*a*) specifying as nearly as possible the situation and limits of such land;

(*b*) declaring that it is proposed to constitute such land a State Forest; and

(*c*) appointing an officer (hereinafter called "the Forest Settlement Officer") to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favor of, any person in or over any land comprised within such limits, or to any forest produce of such land, and to deal with the same as provided in this chapter.

The officer appointed under clause (*c*) of this section shall ordinarily be a person other than a Forest Officer; but a Forest Officer may be appointed by the Government to assist the Forest Settlement Officer in the inquiry prescribed by this Chapter.

Proclamation by Forest Settlement Officer.

5. When a notification has been published under section 4, the Forest Settlement Officer shall publish, in Kanarese, in the official Gazette and at the head-quarters of each taluk in which any portion of the land comprised in such notification is situate, and in every town and village in the neighbourhood of such land, a proclamation—

(*a*) specifying as nearly as possible the situation and limits of the proposed forest;

(*b*) setting forth the substance of the provisions of section 6;

(*c*) explaining the consequences which, as hereinafter provided, will ensue on such forest being constituted a State Forest; and

(*d*) fixing a period of not less than three months from the date of publishing such proclamation, and requiring every person claiming any right or making any claim referred to or mentioned in section 4, either to present to such officer within such period a written notice specifying, or to appear before him within such period and state, the nature of such right or claim, and in either case to produce all documents in support thereof.

Bar of accrual of forest rights.

6. (1) During the interval between the publication of such proclamation and the date fixed by the notification declaring the forest to be a State Forest as hereinafter provided, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by, or on behalf of, the Government or some verson in whom such right, or power to create such right, was pested when the proclamation was published; and, on such land no new house shall be built or plantation formed, no fresh clearings, for cultivation or for any other purpose shall be made, and no trees shall be cut for the purpose of trade or manufacture except as hereinafter provided. No right of occupancy shall, without the previous sanction of Government, be granted in respect of such land, and every right of occupancy granted without such sanction shall be null and void.

(2) Nothing in this section shall be deemed to prohibit any act done under the written premission of the Forest Settlement Officer.

(3) No Civil Court shall, between the dates of publication of the notification under section 4 and of the final notification to be issued under section 17, entertain any suit to establish any right in or over any land or to the forest produce of any land included in the notification under section 4.

Enquiry by Forest Settlement Officer.

7. The Forest Settlement Officer shall take down in writing all statements made under section 5 (*d*), and shall, at some convenient place, enquire into all claims duly preferred under that section, and into the existence and extent of any rights mentioned in section 4 (*c*) and not claimed under section 5 (*d*), so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

The Forest Settlement Officer shall, at the same time, consider and record any objection which the Forest Officer, if any, appointed to assist him may make to any such claim or any information which he may afford with regard to the existence and extent of any such right.

Powers of Forest Settlement Officer.

8. For the purposes of such enquiry the Forest Settlement Officer may exercise the following powers:—

(i) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(ii) the powers of a Civil Court in the trial of suits.

Extinction of rights.

9. Rights in respect of which no claim has been preferred under section 5, and of the existence of which no knowledge has been acquired by enquiry under section 7, shall be extinguished unless, before the final notification under section 17 is published, the person claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 5 (*d*), in which case the Forest Settlement Officer shall proceed to dispose of the claim as hereinafter provided.

Power to acquire land over which right is claimed.

10. In the case of a claim to a right in or over any land (other than a right of way or pasture or a right to forest produce or water), or in respect of any building standing on such land, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part.

If such claim is admitted in whole or in part, the Forest Settlement Officer shall either—

(1) exclude such land or building from the limits of the proposed State Forest, or

(2) come to an agreement with the owner for the surrender of his rights, or

(3) proceed to acquire such land in the manner provided by the Mysore Land Acquisition Regulation, 1894.

For the purpose of so acquiring such land or buildings—

(*a*) the Forest Settlement Officer shall be deemed to be a Deputy Commissioner proceeding under the Mysore Land Acquisition Regulation, 1894;

(*b*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Regulation,

(*c*) the provisions of the preceding sections of that Regulation shall be deemed to have been complied with; and

(*d*) the Forest Settlement Officer with the consent of the claimant, or the Court (as defined in the said Regulation) with the consent of the claimant and the Deputy Commissioner of the District, may award compensation in land, or partly in land and partly in money.

Order on claims to rights of way or pasture or to forest produce or water.

11. In the case of a claim to rights of way or pasture or to forest produce or water, the Forest Settlement Officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same in whole or in part.

Record to be made where claim is admitted.

12. If the Forest Settlement Officer admits in whole or in part any claim under section 11, he shall record the extent to which the claim is so admitted, specifying—

(*a*) in the case of rights of way, by whom they may be enjoyed, the width of way, and whether for cart traffic or for men and cattle only, and the conditions, if any, attached to the right;

(*b*) in the case of pasturage, the number and description of cattle which the claimant is from time to time entitled to grazed in the forest, the season during which such pasturage is permitted, and any conditions attached to the right;

(*c*) in the case of forest produce, the quantity of timber or other forest produce which the claimant is entitled to take or receive, whether the benefit of such timber or other forest produce may be leased, sold or bartered, and such other particulars as may be necessary in order to define the nature, incidents and extent of the right; and

(*d*) in the case of water, by whom and for what purposes the water may be utilized, and any conditions attached to its use.

Exercise of admitted rights.

13. After making such record, the Forest Settlement Officer shall pass such orders as will, as far as possible, ensure the continued exercise of admitted rights.

For this purpose the Forest Settlement Officer may—

(*a*) provide some other reasonably convenient right of way; or

(*b*) set out some other forest tract of sufficient extent, and in a locality reasonably convenient, for the exercise of rights to pasturage or other forest produce, and record an order conferring such rights on claimants to the admitted extent; or

(*c*) so alter the limits of the proposed State Forest as to exclude the tract over which rights of way or water extend or to exclude forest land of sufficient extent and in a locality reasonably convenient for the purposes of the claimants with regard to pasturage or other forest produce. Land so excluded may be either outside the boundaries of the forest as finally settled or within them, in which latter case it shall be demarcated and notified as an enclosure within which the rules relating to State Forests shall not apply; or

(*d*) record an order, continuing to claimants the right of way or to pasturage or other forest produce or water (as the case may be) to the admitted extent, at such seasons, within such portions of the proposed State Forests, and under such rules, as may from time to time be prescribed by Government to ensure the continuance but non-abuse of such rights.

Commutation of rights.

14. In case the Forst Settlement Officer finds it impossible, having due regard to the maintenance of the proposed State Forest, to make such settlement under section 13 as shall ensure the continued exercise of the said rights to the admitted extent, he shall (subject to such rules as the Government may from time to time prescribe in this behalf) commute such rights, either by the payment of a sum of money in lieu thereof, or, with the consent of the claimant, by the grant of land, or in such other manner as such officer thinks fit.

Appeal from order passed under section 10, 11, 12, 13 or 14.

15. Any person who has made a claim under this chapter or any Forest Officer or other person generally or specially empowered by the Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under Section 10, 11, 12, 13 or 14, prefer an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Deputy Commissioner, as the Government may, by notification in the official Gazette, appoint by name, or as holding an office, to hear appeals from such orders.

Appeal under section 15.

16. Every appeal under the last foregoing section shall be made by petition in writing and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the appellate authority.

Every such appeal shall be heard and determined in the manner prescribed for the time being for the disposal of appeals in matters relating to land revenue; and the order passed on the appeal shall be final, subject only to revision by the Government.

Notification declaring forest State Forest.

17. When the following events have occurred, *viz.*—

(*a*) the period fixed under section 5 for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest Settlement Officer; and

(*b*) if such claims have been made, the period fixed by section 15 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate authority; and

(*c*) all proceedings prescribed by sections 10 and 13 have been taken and all lands or buildings (if any) to be included in the proposed State Forest, which the Forest Settlement Officer has under section 10 elected to acquire under the Mysore Land Acquisition Regulation, 1894, have become vested in Government under section 16 of that Regulation;

the Government may publish a notification in the official Gazette specifying the limits of the forest which it is intended to constitute a State Forest and declaring the same to be a State Forest from a date fixed by such notification, subject to the exercise of rights (if any) specified at foot of the said notification.

From the date so fixed such forest shall be deemed to be a "State Forest."

Publication of translation of such notification in neighbourhood of forest.

18. The Deputy Commissioner shall, before the date fixed by such notification, cause a translation thereof in Kanarese to be published in the official Gazette and at the head-quarters of the taluk in which the forest is situated, and in every town and village in the neighbourhood of such forest, in the manner prescribed for the proclamation under section 5.

Power to revise arrangement made under section 13 or 16.

19. The Government may, within five years from the publication of any notification under section 17, revise any arrangement made under section 13, and may, for this purpose, rescind or modify any order made under section 13 or 16, and direct that any one of the proceedings specified in section 13 be taken in lieu of any other of such proceedings, or that the rights admitted under section 11 be commuted under section 14.

Acquisition of rights over State Forests.

20. No right of any description shall be acquired in or over a State Forest, except by succession or under grant or contract in writing made by or on behalf of the Government or of some person in whom such right or the power to create such right was vested when the notification under section 17 was published.

Alienation of rights in State Forests.

21. Notwithstanding anything contained in section 20, no right continued under section 13 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of Government:

Provided that, when any such right is appendant to any land or building, it may be sold or otherwise alienated with such land or building without such sanction.

The benefit of any right continued under section 13 shall not in any case be leased, sold or bartered except to the extent defined by the order recorded under that section or under section 16.

Power to stop ways and water-courses in State Forests.

22. Any Forest Officer may, from time to time, with the previous sanction of Government, or of a Forest or other officer authorized by Government in that behalf, stop any public or private way or water-course in a State-Forest.

Provided that for the way or water-course so stopped another way or water-course which, in the opinion of the Government or officer authorized as aforesaid, is equally convenient, already exists or has been provided or constructed.

State Forests constituted previous to the passing of this Regulation.

23. The Government may, by notification in the official Gazette, declare that any forest which has been notified as a State Forest previous to the date on which this Regulation comes into force, shall be a State Forest under this Regulation:

Provided that if the rights of private persons to or over any land or forest produce in such forest shall not have been enquired into, settled and recorded in a manner which the Government deems sufficient, the same shall be enquired into, settled and recorded in the manner provided by this Regulation; and, until such enquiry, settlement and record have been completed, no such declaration shall abridge or affect such rights.

All questions decided, orders issued and records prepared in connection with the constitution of such forest as a State Forest shall be deemed to have been decided, issued and prepared hereunder, and the provisions of this Regulation relating to State Forests shall apply to forests notified under this section.

Penalties for trespass or damage in State Forests.

24. Any person who in a State Forest—

(*a*) trespasses, or pastures cattle, or permits cattle to trespass, or

(*b*) causes any damage by negligence in felling any tree or cutting or dragging any timber, or strips off the bark or leaves from, or otherwise damages any tree or shrub, or

(*c*) poisons or dynamites water, or, in contravention of any rules made by the Government, hunts, shoots, fishes, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

25. Any person who— **Acts prohibited in State Forests.**

(*a*) makes any fresh clearing prohibited by section 6, or

(*b*) sets fire to a State Forest, or, in contravention of any rules made by the Government, kindles any fire, or, leaves any fire burning, in such manner as to endanger such a forest,

or who, in any such forest,

(*c*) kindles, keeps or carries any fire except at such seasons and in such manner as a Forest Officer duly empowered in this behalf may from time to time notify, or

(*d*) fells, cuts, girdles, marks, lops, taps or injures by fire or otherwise any tree, or

(*e*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest produce, or

(*f*) clears or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

26. Nothing in section 24 or section 25 shall be deemed to prohibit— **Acts excepted from sections 24 and 25.**

(*a*) the exercise, in accordance with the rules, if any, made by the Government under section 13, of any right continued under that section, or

(*b*) the exercise of any right created by grant or contract in the manner described in section 20, or

(*c*) any act done with the permission in writing of a Forest Officer duly empowered to grant such permission.

Privileges may be granted in State Forests.

27. The Government may in any State Forest grant such privileges as may be consistent with the due maintenance of the forest; and may, without assinging reason therefor, cancel such grant:

Provided always that all privileges so granted shall previously be specified and recorded by the Deputy Commissioner of the District in the manner provided in section 12:

Provided further that the exercise of any privilege under this section shall be for the use of the person entitled thereto, and not for the purpose of export or merchandise.

Penalty for offences committed by persons having rights in State Forests.

28. Whenever fire is caused wilfully or by gross negligence in a State Forest by any person having rights in such forest or by any person in his employment, or whenever any person having rights in such forest contravenes the provisions of section 21, the Government may, notwithstanding the infliction of any punishment under this Regulation, direct that in such forest, or any specified portion thereof, the exercise of all or any of the rights of pasture or to forest produce shall be extinguished, or for such period as it thinks fit be suspended.

Persons bound to assist Forest Officer and Police Officer.

29. Every person who exercises any right in a State Forest, or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and every village officer or person in any village contiguous to such forest who is employed by Government, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the occurrence of fire in or near such forest or the commission of, or intention to commit, any forest offence, and shall assist any Forest or Police Officer [a] * * * * [a]

(*a*) in extinguishing any fire occurring in such forest,

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading into such forest,

[b] and shall assist any Forest or Police officer demanding his aid—[b]

(*c*) in preventing the commission in such forest of any forest offence, and,

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

[a-a] The words "demanding his aid" were omitted, and [b-b] these words were inserted in section 29, by Regulation IX of 1901, s. 2.

Sections 30-34.

Power to declare forests no longer State Forests.

30. (1) The Government may, by notification in the official Gazette, direct that, from a date to be fixed by such notification, any forest constituted a State Forest under this Regulation or any portion thereof, shall cease to be a State Forest or portion of a State Forest.

(2) From the date so fixed, such forest or portion shall cease to be of a State Forest or portion of State Forest; but the rights, if any, which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III.—Village Forests.

Constitution of Village Forests.

31. (1) The Government may, by notification in the official Gazette, constitute any land at the disposal of the Government a Village Forest for the benefit of any village community or group of village communities, and may in like manner vary or cancel any such notification.

(2) Every such notification shall specify the limits of such Village Forest.

Power to make rules for Village Forests.

32. (1) The Government may make rules for regulating the management of Village Forests, prescribing the conditions under which the community or group of communities for the benefit of which any such forest is constituted may be provided with forest produce or with pasture, and their duties in respect of the protection and improvement of such forest.

(2) The Government may by such rules declare all or any of the provisions of Chapter II of this Regulation to be applicable to Village Forests.

Inquiry into, and settlement of, rights.

33. All claims to any rights other than the rights of the village community or group of village communities for the benefit of which such Village Forest is constituted, shall be inquired into, recorded and provided for in the manner prescribed by Chapter II of this Regulation.

CHAPTER IV.—District Forests.

Power to grant privileges in District Forests.

34. The Government may, in any District Forest, grant such privileges at it thinks fit in regard to the removal by cultivating ryots or other classes of persons, of forest produce required for prescribed purposes; and may, without assigning reason therefor, cancel such grant: Provided always that the exercise of any privilege under this section shall be for the use of the person entitled thereto, and not for the purpose of export or merchandise.

Section 35.

Power to make rules for District Forests.

35. Subject to all rights now legally vested in individuals and communities, the Government may, for any district or portion of a district, make rules to regulate the use of the forest produce or of the pasturage of any land at the disposal of Government and not included in a State or Village Forest.

Such rules may amongst other things—

(i) declare that certain trees shall be classed as reserved trees not to be felled without the special sanction of the Conservator of Forests or of an officer duly authorized by him;

(ii) declare that certain trees not classed as reserved shall be granted to cultivating raiyats on favorable rates of seigniorage;

(iii) provide for placing any area at the disposal of Government under special protection, in view to its subsequent settlement and constitution as a State Forest or for any other purpose, and prescribe the conditions and penalties attendant on such special protection;

(iv) regulate or prohibit the grant of land and its clearing and breaking up for cultivation or other purposes;

(v) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires;

(vi) regulate or prohibit the felling, cutting, girdling, marking lopping, tapping or injuring by fire or otherwise of any trees, the sawing, conversion, and removal of trees and timber, and the collection and removal of other forest produce;

(vii) regulate or prohibit the quarrying of stone or gravel, the burning of lime or charcoal, the smelting of ore, or the boiling of catechu;

(viii) regulate or prohibit the cutting of grass and pasturing of cattle, and prescribe the payments (if any) to be made for such cutting or pasturing;

(ix) regulate or prohibit hunting, shooting, beating or driving for game, fishing, poisoning or dynamiting water, and setting traps or snares;

(x) regulate the disposal of timber and other forest produce whether by sale or by free grant;

(xi) prescribe, or authorize the Conservator and the Deputy Commissioner of the district jointly to prescribe, the fees, royalties or other payments for such timber and other forest produce, and the manner in which they shall be levied.

Penalties for acts in contravention of rules.

36. The Government may by such rules prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to one month or fine which may extend to two hundred rupees, or both.

Provided that the Government may exempt any person or class of persons from the operation of all or any of such rules.

Suspension of rights in cases of fires caused wilfully or by gross negligence.

[a] 36A. Whenever fire is caused wilfully or by gross negligence in any land placed under special protection under clause (iii) of section 35, the Government may (notwithstanding the infliction of any punishment under this Regulation) direct that in such land, or any specified portion thereof, the exercise of all or any rights of pasture or to forest produce shall, for such period as it thinks fit, be suspended.

Persons bound to assist Forest officer and Police officer.

[a] 36B. Every person who exercises any right in any land placed under special protection under clause (iii) of section 35, or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such land, and every person who is employed by any such person in such land and every village officer or person in any village contiguous to such land who is employed by Government, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the occurrence of fire in or near such land or the commission of, or intention to commit, any forest offence, and shall assist any Forest or Police Officer—

(*a*) in extinguishing any fire occurring in such land,

(*b*) in preventing any fire which may occur in the vicinity of such land from spreading into such land,

and shall assist any Forest or Police Officer demanding his aid—

(*c*) in preventing the commission in such land of any forest offence, and

(*d*) when there is reason to believe that any such offence has been committed in such land, in discovering and arresting the offender.

CHAPTER V.—Control of Forest Produce in Transit.

Power to make rules to regulate transit of forest produce

37 (1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all forest produce in transit by land or water, is vested in the Government, which may make rules to regulate the transit of any forest produce.

(2) Such rules may, among other matters,

[a] Sections 36 A and 36 B were inserted by Regulation IX of 1901, s. 3.

(*a*) prescribe the routes by which alone forest produce may be imported into, exported from, or moved within, the territories to which this Regulation extends;

(*b*) prohibit the import, export, collection, or moving of forest produce without a pass from an officer authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

(*c*) provide for the issue, production and return of such passes;

(*d*) fix, or authorize any Forest officer, subject to the control of the Government, to fix, the fees payable for such passes;

(*e*) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof or not acting on behalf of such owner or of the Government;

(*f*) provide for the stoppage, reporting. examination and marking of forest produce in transit in respect of which there is reason to believe that any money is payable to the Government, or to which it is desirable, for the purposes of this Regulation, to affix a mark;

(*g*) establish revenue stations or depots to which forest produce is to be taken by the persons in charge of it for examination, or for the realisation of such money, or in order that such mark may be affixed to it, and prescribe, or authorize a Forest Officer, subject to such control as aforesaid, to prescribe, the conditions under which forest produce is to be brought to, stored at, and removed from, such revenue stations or depots;

(*h*) provide for the management and control of such revenue stations or depots and for regulating the appointment and duties of persons employed thereat;

(*i*) authorize the transport of timber across any land, and provide for the award and payment of compensation for any damage done by the transport of such timber;

(*j*) prohibit the closing up or obstruction of the channel, or banks of any river used for the transit of forest produce and the throwing of grass, brushwood, branches or leaves into any such river, or any other act which tends to cause the obstruction of such channel;

(*k*) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, and for recovering the cost of such prevention or removal from the person causing such obstruction;

(*l*) prohibit absolutely, or subject to conditions, within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing, marking or super-marking of timber, the altering or effacing of any marks on the same, and the possession or carrying of marking hammers or other implements used for marking timber; and

(*m*) regulate the use of property marks for timber and the registration of such marks, authorize the refusal or cancellation of the registration of any property marks, prescribe the time for which the registration of property marks is to hold good, limit the number of such marks which may be registered by any one person and provide for the levy of fees for such registration.

(3) The Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest produce or to any specified local area.

Penalties for breach of rules under the last foregoing section.

38. (1) The Government may, by a rule under the last foregoing section, attach to the breach of any rule under that section any punishment not exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

(2) In cases where the offence is committed after sunset and before sunrise or after preparation for resistance to the execution of any law or any legal process, or where the offender has been previously convicted of a like offence, the convicting Court may inflict double the penalty prescribed for such offence.

CHAPTER VI.

Collection of Drift, Stranded, and other Timber.

Certain kinds of timber to be deemed the property of Government until title thereto prove

39. (1) Timber falling under any of the following descriptions, namely:—

(*a*) timber found adrift, beached, stranded, or sunk;

(*b*) timber bearing marks which have not been registered under rules made under section 37;

(*c*) timber which has been supermarked, or on which marks have been obliterated, altered, or defaced by fire or otherwise; and

(*d*) in such areas as the Government directs, all unmarked timer,

shall be deemed to be the property of the Government unless and until any person establishes his right thereto as provided in this chapter.

(2) Such timber may be collected by any Forest Officer or other person entitled to collect the same, and may be brought to such stations as a Forest Officer specially empowered in this behalf may, from time to time, notify as stations for the reception of drift timber.

(3) The Government may, by notification in the official Gazette, exempt any class of timber from the provisions of this section and withdraw such exemption.

Notice to claimants of timber of these kinds.

40. (1) Public notice shall, from time to time, as occasion may require, be given by a Forest Officer specially empowered in this behalf of timber collected under the last foregoing section.

(2) Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Procedure on claim preferred to such timber.

41. (1) When any such statement is presented as aforesaid, the Forest Officer may, after making such enquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest Officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Court and retain the timber pending the receipt of an order from such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him, but no person shall recover any compensation against the Government or against any Forest Officer on account of such rejection or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil Court until it has been delivered or a suit brought under this section has been decided.

Disposal of unclaimed timber.

42. Where no statement is presented in the manner and within the period prescribed by notice issued under section 40, or where, such statement having been so presented and the claim rejected, the claimant omits to institute a suit to recover possession of such timber within the further period mentioned in section 41, the ownership of such timber shall vest in the Government free from all encumbrances or when such timber has been delivered to another person under section 41 in such other person free from all encumbrances not created by him.

Payments to be made by claimant before timber is delivered to him.

43. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until such sum as may be due for salving, collecting, moving, storing, and disposing of the timber has been paid by him to the Forest Officer or other person entitled to receive the same.

Power to make rules and prescribe penalties.

44. (1) The Government may make rules to regulate the following matters, namely:—

(*a*) the salving, collection, and disposal of all timber mentioned in section 39;

(*b*) the use and registration of boats used in salving and collecting timber;

(*c*) the amount to be paid for salving, collecting, moving, storing, and disposing of such timber; and

(*d*) the use and registration of hammers and other implements to be used for marking such timber.

(2) The Government may, by a rule under this section, attach to the breach of any rule under this section any punishment not exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER VII.—Penalties and Procedure.

Seizure of property liable to confiscation.

45. (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, boats, carts and cattle used in the commission of such alleged offence, may be seized by any Forest Officer or Police Officer.

(2) Every officer seizing any property under this section shall place on such property, or the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the person accused of the offence on account of which the seizure has been made:

Provided that when the forest produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his offical superior.

Procedure on receipt by Magistrate of report of seizure.

46. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Forest produce, tools, &c., when liable to confiscation.

47. (1) When any person is convicted of a forest offence, all forest produce which is not the property of the Government, and in respect of which such offence has been committed, and all tools, boats, carts and cattle used in the commission of such offence, shall be liable, by order of the convicting Court, to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for Forest offence, of produce in respect of which it was committed.

48. When the trial of any forest offence is concluded, any forest produce in respect of which such offence has been committed shall, if it is the property of the Government, or has been confiscated, be taken possession of by a Forest Officer duly empowered in this behalf, and, in any other case, shall be disposed of in such manner as the Court may order.

Procedure when offender is not known or cannot be found.

49. (1) When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed, to be confiscated and taken possession of by a Forest Officer duly empowered in this behalf, or to be made over to such Forest Officer or other person as the Magistrate may consider entitled to the same:

Provided that no such order shall be made till the expiration of one month from the date of the seizure of such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under sub-section (1) to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in any way which he may think fit.

Procedure as to perishable property seized under section 45.

50. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 45 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

Appeal from orders under sections 47, 48 and 49.

51. Any person claiming to be interested in property seized under section 45 may, within one month from the date of any order passed by a Magistrate under section 47, 48 or 49, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Vesting of confiscated property in Government.

52. When an order for the confiscation of any property has been passed under section 47 or 49 and the period limited by section 51 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented, the appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the Government free from all encumbrances.

Saving of power to release property seized.

53. Nothing hereinbefore contained shall be deemed to prevent any Forest Officer or other Officer empowered in this behalf by the Government from directing at any time the immediate release of any property seized under section 45 which is not the property of Government, and the withdrawal of any charge made in respect of such property.

Punishment for wrongful seizure.

54. (1) Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Regulation shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Court so directs, be given as compensation to the person aggrieved by such seizure.

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.

55. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,—

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest Officers to indicate that such timber or tree is the property of the Government or of some person or that it may lawfully be felled or removed by some person, or

(*b*) unlawfully affixes to any timber or standing tree a mark used by Forest Officers, or

(*c*) alters, defaces, or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest Officer, or

(*d*) alters, moves, destroys, or defaces any boundry mark of any forest or waste land to which any provisions of this Regulation apply,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to arrest without warrant.

56. (1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest Police Station.

Power to prevent commission of offence.

57. Every Forest Officer and every Police Officer shall prevent, and may interfere for the purpose of preventing the commission of any forest offence.

Operation of other laws not barred.

58. Nothing in this Regulation shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Regulation or the rules made thereunder.

Provided that no person shall be punished twice for the same offence.

Power to compound offences.

59. (1) The Government may, by notification in the official Gazette, empower a Forest Officer by name, or as holding an office,—

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence other than an offence specified in section 54 or section 55, a sum of money by way of compensation for the offence which such person is suspected to have committed, and,

(*b*) when any property has been sized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money or such value or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no other proceedings shall be taken against such person or property.

(3) No Forest Officer shall be empowered under this section, unless he is of a rank not inferior to that of Forest Ranger and is in receipt of a monthly salary of not less than seventy rupees, and the sum of money accepted as compensation under sub-section (1) clause (*a*), shall in no case exceed fifty rupees.

(4) The officer accepting such compensation shall in all cases record proceedings setting forth the circumstances and amount of compensation accepted, and a copy thereof shall be given to the person paying the compensation, and another submitted with the least possible delay to the officer's immediate official superior. The amount of compensation received shall be credited to Government without undue delay.

Presumption that forest produce belongs to Government.

60. When in any proceedings taken under this Regulation, or in consequence of anything done under this Regulation, a question arises as to whether any forest produce is the property o Government, such forest produce shall be deemed to be the property of Government, until the contrary is proved.

Compensation for damage caused by commission of offences.

61. (1) When any person is convicted of felling, cutting, girdling, marking, lopping, or tapping trees, or of injuring them by fire or otherwise, in contravention of this Regulation or of any rule thereunder, the convicting Court may, in addition to any other punishment which it may award, order that person to pay to the Government such compensation, not exceeding ten rupees for each tree with respect to which the offence was committed, as it deems just.

(2) If the person convicted of the offence committed it as the agent or servant of another person, the convicting Court may, unless, after hearing that other person, it is satisfied that the commission of the offence was not a consequence of his instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in sub-section (1).

(3) An appeal from any order under sub-section (1) or sub-section (2) shall lie to the Court to which orders made by the

convicting Court are ordinarily appealable, and the order passed on such appeal shall be final.

Forfeiture of leases.

62. When the holder of any lease, license, or contract whatsoever granted or continued by or on behalf of the Government for any of the purposes of this Regulation commits an offence against this Regulation or any rule thereunder, or when any such offence is committed by any agent or servant of the holder of any such lease, license, or contract, and the Government is satisfied that the commission of the offence was a consequence of the instigation of such holder or of any wilful neglect or default on his part, the Government may, by order in writing, declare the lease, license, or contract to be forfeited in whole or in part with effect on and from a date to be specified in the order.

CHAPTER VIII.—CATTLE TRESPASS.

Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, to apply.

63. Cattle trespassing in a State or Village Forest, or in a District Forest contrary to the provisions of section 35 and the rules made thereunder, shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle Trespass Act, 1871*, as amended by Regulation VIII of 1892, and may be seized and impounded as such by any Forest Officer or Police Officer.

Power to alter fines fixed by that Act.

64. The Government may, by notification in the official Gazette, direct that, in lieu of the fines fixed by section 12 of the Cattle Trespass Act, 1871*, as amended by Regulation VIII of 1892, there shall be levied for each head of cattle impounded under section 63 of this Regulation such fines as it thinks fit but not exceeding the following, namely:—

	Rs.	a.	p.
For each elephant	10	0	0
For each buffalo or camel	2	0	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	1	0	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat, or kid	0	8	0

CHAPTER IX.—FOREST OFFICERS.

Investiture of Forest Officers with certain powers.

65. (1) The Government may invest any Forest Officer by name, or as holding an office, with all or any of the following powers, namely:—

* See Mysore Code, Vol I, pp. 204-215, for Act I of 1871, as amended by Regulation VIII of 1892.

(*a*) power to enter upon any land and to survey, demarcate, and make a map of the same;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(*c*) power to issue search-warrants under the Code of Criminal Procedure;

(*d*) power to hold inquiries into forest offences, and in the course of such inquiries to receive and record evidence;

(*e*) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State Forest;

(*f*) power to grant any permission referred to in sections 26 and 37;

(*g*) power to notify stations for the reception of drift timber;

(*h*) power to give public notice of timber collected under section 39;

(*i*) power to take possession of property under this Regulation;

(*j*) power to direct the release of property or withdrawal of charges;

and may withdraw any power so conferred.

(2) Any evidence recorded under clause (*d*) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate of the alleged offender:

Provided that it has been taken in the presence of the accused person and recorded in the manner provided by section 355, section 356, or section 357 of the Code of Criminal Procedure.

Forest Officers deemed public servants.

66. All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Indemnity for acts done in good faith.

67. No suit or criminal prosecution shall lie against any public servant for anything done or omitted by him in good faith under this Regulation.

Forest Officers not to trade.

68. No Forest Officer shall, as principal or agent, trade in forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest, whether in Mysore or in foreign territory.

CHAPTER X.—SUPPLEMENTAL PROVISIONS.

Forest rights of Inamdars entitled to timber and sandalwood.

69. (1) All inamdars who, by the terms of their sannads, or by judicial decision, are entitled to the timber and sandalwood in their inam villages, may fell and sell without previous reference any such timber, excepting sandalwood.

(2) The Conservator of Forests may cause any sandalwood growing in such inam lands to be cut and sold on behalf of the inamdars under such rules as may, from time to time, be made by the Government.

Forest rights of Inamdars not entitled to timber and sandalwood.

70. Inamdars who are not entitled by sannads or by judicial decision to the timber and sandalwood growing on their inam lands may cut and sell all wood, with the exception of teak and sandal, growing on such lands.

Removal of forest produce from inam lands.

71. No trees, wood or timber or other forest produce shall be removed from inam lands without a pass, to be obtained under such rules as the Government may, from time to time, make; provided that no payment shall be made for such passes.

Sandalwood the exclusive property of Government.

72. All sandal trees in Mysore shall be the exclusive property of Government, unless the same be situated in an area in which the Government may have expressly alienated its right to sandalwood.

Responsibility of occupants and holders for preservation of sandal trees.

73. (1) Every occupant or holder of land shall be responsible for the due preservation of all sandal trees growing thereon, and shall, in the event of an injury to any such tree from whatever cause at once report such fact to the nearest local Revenue Officer.

(2) Any occupant or holder who fails to report any such case of injury as aforesaid, or to prove to the satisfaction of a Revenue Officer not lower in rank than an Amildar or Deputy Amildar, that such injury was not caused either by his own act or by any neglect or default on his part, or by any other person at his instigation or with his connivance, shall, notwithstanding any other penalty to which he may be liable, be liable to pay to Government such compensation on account of such injury as to such Revenue Officer may seem reasonable.

Penalty for offence in regard to sandalwood.

74. In any case of a forest offence having reference to the cutting, uprooting or removal of, or damage to, a sandal tree or part of a sandal tree belonging to Government, the maximum penalty to which the offender is liable under any other section of this Regulation shall be doubled.

Sections 75-80.

Regulation of the manufacture of sandalwood oil.

75. No person shall manufacture or distil oil from sandalwood without a license in that behalf to be granted by such authority and subject to such restrictions and conditions as the Government may from time to time prescribe.

Additional powers to make rules.

76. The Government may make rules consistent with this Regulation—

(*a*) to declare by what Forest Officer or class of Forest Officers the powers or duties conferred or imposed by or under this Regulation on a Forest Officer are to be exercised or performed;

(*b*) to regulate the procedure of Forest Settlement Officers;

(*c*) for the preservation, re-production and disposal of forest produce belonging to Government, but grown on lands belonging to or in the occupation of private persons;

(*d*) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this regulation or from the public treasury; and

(*e*) generally, to carry out the objects and purposes of this Regulation.

Rules when to have force of law.

77. All rules made by the Government under this Regulation shall be published in the official Gazette, and shall thereupon have the force of law.

Penalties for breach of rules.

78. Any person breaking any rule under this Regulation for the breach of which no special penalty is provided, shall be liable on conviction to imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both.

Recovery of money due to Government.

79. All money, other than fines, payable to the Government under this Regulation, or under any rule made thereunder, or on account of the price of any forest produce, or of expenses incurred in the execution of this Regulation in respect of such forest produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land revenue.

Lien on forest produce for such money.

80. (1) When any such money is payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce; and such produce may be taken possession of by a Forest Officer duly empowered in this behalf, and may be retained by him until such amount has been paid.

Power to sell such produce.

(2) If such amount is not paid when due, such Forest Officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of sale by the person entitled thereto, shall be forfeited to the Government.

Government and its officers not liable for loss or damage in respect of certain forest produce.

81. The Government shall not be responsible for any loss or damage which may occur in respect of any forest produce while at a revenue station or depot, established under section 37, sub-section (2), clause (*g*), or while detained elsewhere for the purposes of this Regulation; and no Forest Officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously, or fraudulently.

All persons bound to aid in case of accident at station or depot.

82. In case of any accident or emergency involving danger to any property at any such station or depot, every person employed at such station or depot, whether by the Government or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger and securing such property from damage or loss.

Land required under this Regulation to be deemed to be needed for a public purpose under the Land Acquisition Regulation.

83. Whenever it appears to the Government that any land is required for any of the purposes of this Regulation, such land shall be deemed to be needed for a public purpose whithin the meaning of the Land Acquisition Regulation, 1894, section 4.

Recovery of penalties due under bond.

84. When any person, in compliance with any rule under this Regulation, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land revenue.